

Minutes of a Called Meeting of the City Council.

Austin Tex. February 26<sup>th</sup> 1892

Hon. John McDonald, Mayor, presiding.

Roll Call

Present— Aldermen Anderson, Glass, Graham, Ketchum, Linw, Morris, Newton, Nitochke, Platt, Schneider, Schuber, Shelley, Townsend. — 13.

Absent— Aldermen Assman, Hume, Jackson, Miller, North, Sutor, Weyerman, <sup>Weyerman</sup> Giller — 9.

Call of Council

A Call of the Council was moved and adopted.  
Aldermen Sutor and Weyerman entered the Council and answered to their names.

3<sup>d</sup> Roll Call

Second roll call — Present Aldermen Anderson, Glass, Graham, Ketchum, Linw, Morris, Newton, Nitochke, Platt, Schneider, Schuber, Shelley, Sutor, Townsend, Weyerman, — 15.

Absent Aldermen Assman, Hume, Jackson, Miller, North, Weyerman, Giller — 7.

The call of the Council was then suspended and the following call and certificate were read:

Mayors Office, Austin, Tex, Feb. 26. 1892.  
To the Members of the City Council of the City of Austin:  
Gentlemen:— I hereby call a special meeting of the City Council of the City of Austin, to assemble in the Council Chamber at the City Hall, at 4:30 P.M. this the 26<sup>th</sup> day of February, 1892, for the purpose of considering the question of Sanitary sewers for this City, and also to determine what disposition to make of dead animals and other offensive matter found upon the streets of this City.

John McDonald  
Mayor

Austin, Tex., Feb 26, 1 P.M., 1892.

I hereby certify that the following Aldermen have been served with the within call by having it read to them in person, viz: Aldermen Anderson, Glass, Graham, Hume, Jackson, Ketchum, Linw, Miller, Morris, Newton, Nitochke, North, Platt, Schneider, Schuber, Shelley, Sutor, Townsend, Weyerman and Giller, and that Alderman Assman was served by a true copy being left at his place of business, he being out of the City.

H. Montgomery,

Sergeant of Police.

Aldermen Weyerman and North entered the Council and answered to their names.

Alderman Sutor, for the Committee on Sanitation and Sewerage, to whom was referred an Ordinance to provide for a system of sanitary sewerage for the City of Austin, State of Tex., and for its inhabitants contracting with the Lewis Mercer

Call served,  
H. Montgomery  
Sgt<sup>t</sup> of Pol;

from  
L. M. C.  
present report

Offer Subsist.

construction company, their associates, successors and assigns, for sanitary sewers for public and private use, and giving the said City of Austin an option to purchase said sewers, submitted a verbal report thereon, recommending the passage of the following as a substitute for the above named Ordinance.

"An Ordinance to provide for a system of sanitary sewerage for the City of Austin, State of Texas, and for the inhabitants contracting with the Lewis Mercer Construction Company, their associates, successors and assigns, for the sanitary sewers for public and private use, and giving the said City of Austin an option to purchase said sewers.

Be It Ordered by the Mayor and Board of Councilmen of the City of Austin in Council convened:

Section 1. — That in consideration of the great public benefit to be derived from a system of sewers, and the great expense and risk which will be incurred by the grantee of this franchise in the construction of said sewers, the right from the date of passage of this ordinance until the purchase of the said system by the City, as herein after provided, is hereby granted to the Lewis Mercer Construction Company, their associates, successors and assigns, to construct, operate and maintain sanitary sewers in the said City of Austin, subject, however, to the right of purchase by the City, as hereinafter provided.

And the said Lewis Mercer Construction Company, their associates, successors and assigns, shall have the privilege in accordance with the terms of this ordinance of using all the streets, alleys and public places within the corporation limits of the said City of Austin as they now exist, or may hereafter exist by extension, for the purpose of laying pipes, conduits or brick sewers, man holes, catch basins, etc., as may be necessary to provide an adequate system of sanitary sewerage to the City of Austin and for making repairs or extensions to such system during the period in which this ordinance may be in effect.

Sec: 2. — The said Lewis Mercer Construction Company, their associates, successors and assigns shall exercise due care and diligence in the use of the streets, alleys and other public places, and shall cause no unnecessary obstruction to public travel over or upon the same, or any injury or unnecessary interference with any pipes, either of gas or water, which may now be lawfully located beneath the surface thereof, and the said Lewis Mercer Construction Company shall take every reasonable precaution against accidents and danger to persons or property in the exercise of the rights and privileges hereby granted, and shall cause all excavation and obstructions to be properly lighted and guarded at night, and after the completion of the purposes for

Text of Substitute

which the said streets, alleys and public places may be used, they shall be restored to their former condition, as near as may be, without unnecessary delay.

The said Lewis Mercer Construction Company, their associates, successors and assigns hereby agree to hold the said city of Austin harmless from any liability which may result to it by reason of any violation of this section.

Sec. 3. — The general plan of the sewerage system shall be as follows: Sewers shall be of the best quality of salt glazed terra cotta pipe, truly cylindrical, and laid upon a true gradient, with joints made tight by first class cement mortar, or they shall be made of first class hand burned brick, laid in first class cement mortar. Man-holes shall be placed over the sewers about 500 feet apart, and covered with approved cast iron covers strong enough to carry the greatest and heaviest traffic.

Sewers to be laid at such depths below the surface of the streets as to give a fall of not less than three inches in ten feet from adjacent buildings.

No sewer pipes shall be less than six inches in diameter, and all sewers shall be large enough to provide for the easy flow of all sewage.

Sec. 4. It shall be proper and legal for said Lewis Mercer Construction Company, their associates, successors, and assigns to charge for sewer services not to exceed the following named annual rates, which shall be payable quarterly in advance:

One dwelling house of 5 rooms or less \$2.50 per quarter; one dwelling house of 6 rooms \$3. per quarter; One dwelling house of 7 rooms \$3.50 per quarter; One dwelling house of 8 rooms \$4. per quarter; One dwelling house of 9 rooms \$4.50 per quarter; One dwelling house of 10 rooms \$5. per quarter; Each additional room above 10 rooms, 75 cents per room, additional per quarter.

Habors with twenty bed rooms or less, \$7.50 per quarter,

Each additional bed room above twenty, 25 cents additional per quarter.

Factories, each water closet basin, \$2.50 per quarter. Stores, each water closet basin, \$2.50 per quarter. Office and other buildings, each water closet basin \$3.50 per quarter.

Not enumerated, same basis as above. No connection shall be made to the sewer system without a permit, from the Lewis Mercer Construction Company, their associates, successors and assigns, and all connections shall be made by

them or under their supervision.

Sec. 5. — After the expiration of ten years after this ordinance takes effect, the City of Austin shall have the right and privilege to purchase the said system of sewerage, provided they shall notify the said Lewis Mercer Construction Company, their associates, successors and assigns, of their intention so to do at least three months before the expiration of the said ten years.

The value or price of said systems, to be paid by the City of Austin, shall be determined as follows: The said Lewis Mercer Construction Company, their associates, successors and assigns, and the said city and Board of Councilmen of the said City of Austin shall severally appoint one person, and the two appointees shall choose a third, two of whom shall be residents of Travis County; and the three persons thus chosen shall constitute a commission to determine the value of the system of sewerage.

The said Mayor and Board of Councilmen of the said City of Austin shall, within six months after the said commission have rendered its award, pay the amount so awarded in cash or bonds of the said City, bearing interest not exceeding 5 per cent, per annum to the said Lewis Mercer Construction Company, or associates, successors or assigns, and a failure to pay the award or to give notice of the intention to purchase as above provided, shall operate as a waiver of the right to purchase until the expiration of the next two years.

At the expiration of each ten years after the first ten years the City of Austin shall have the right to purchase the then existing sewers at a price determined upon by arbitration as above provided.

Sec. 6. — The said Lewis Mercer Construction Company, their associates, successors or assigns shall submit to the Mayor and Board of Councilmen a plan of sewerage with accompanying specifications which, when approved and accepted by the City Engineer, shall constitute the system hereby authorized.

To this system extensions may be made either by the order of the Mayor and Board of Councilmen or at the option of the said Lewis Mercer Construction Company, their associates, successors or assigns; provided, however, that the said Lewis Mercer Construction Company, their associates, successors or assigns, shall not be required to extend the system to a locality that is not at the time sufficiently built up to return a reasonable revenue. And the said Lewis Mercer Construction Company, their associates, suc-

cessors or assigns shall have reasonable time within which to make all extensions required by the Board of Councilmen.

Sec. 7. — The Mayor and Board of Councilmen shall make and pass such Ordinances, with adequate penalties, as may be necessary for the protection and proper use of the sewers or their necessary connections, catch basins, man-holes and other appurtenances; also such ordinances requiring the fulfillment of the obligation of this ordinance so will insure the prompt compliance of all parties concerned.

Sec. 8. — The said Lewis Mercer Construction Company, their associates, successors or assigns may procure the organization of a sewer works Company or Corporation under the laws of this state and may assign to it all the rights and privileges acquired by this ordinance.

Sec. 9. — The construction of the said sewer system shall be commenced within three months of the acceptance of plans, and shall be completed within one year thereafter, provided, however, that if the time as then specified be extended by floods, act of God, or public enemy, or for legal proceedings for the maintenance or defense of their legal rights, or in the acquisition of property or right-of-way, or by reason of any other causes whatever beyond their control, such time shall form no part of the time specified in this ordinance for the performance of any act required by the terms hereof to be done by them.

Sec. 10. — During the construction of the said sewers, the City Engineer shall from time to time inspect the works done and the material used, and should any departure from the accepted plans and specifications occur he shall at once call the attention of the said Lewis Mercer Construction Company or their legal representative to the fact, and the said Lewis Mercer Construction Company or their legal representative shall cause the works to be corrected in accordance with said plans and specifications.

Upon the completion of the system the City Engineer shall officially notify the Mayor and Board of Councilmen that the work done and material furnished is in conformity with the plans and specifications adopted and accepted by the said Mayor and Board of Councilmen, whereupon they shall pass an ordinance

receiving the fact and accepting the said system, and all of the rights, privileges and obligations of this ordinance shall henceforth be in full force and effect.

Sec. 11.— It is understood and agreed that the ordinances which are to be passed in connection with this franchise shall form a part of the within contract and shall remain in full effect and force during the life of this franchise, or until such time as the City shall acquire the sewer system by purchase as herein provided."

Substitute referred. It was read and referred to the Committee on Ordinances & Orders, printed, and ordered to be printed in the Statesman and in pamphlet form.

Alderman Jackson entered the Council and answered to his name, while the ordinance was being read.

Alderman Morris moved that the whole question of disposing of dead animals found in the city be referred to the Committee on Sanitation and Sewerage, and the City Physician. Carried.

The Council then adjourned.

Milton Morris,

City Clerk.

Disposing of  
Dead Animals.